

Application No.: 10/590,277

REMARKS

Applicants respectfully request reconsideration of the instant application in view of the foregoing amendments and the following remarks.

Allowable Subject Matter

Applicants thank the Examiner for indicating claims 8 and 15 would be allowable if rewritten in independent form. Applicants respectfully submit that the remaining claims are also allowable over the cited prior art.

Claim Objections

Claims 7 and 11 were objected to for purported informalities. Claims 7 and 11 have been amended. Accordingly, reconsideration and withdrawal of this objection is respectfully requested.

Claim Rejections - 35 U.S.C. § 112

Claim 3 was rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. The Office Action asserts that recitation "a valve opening and closing member" does not have a sufficient antecedent basis. Applicants disagree. First, Applicants note that the recitation "a valve opening and closing member" is first recited in claim 3 and is introduced with a proper identifier (e.g., "a"). Second, Applicants respectfully submit that the meaning of this recitation is clear. As described in the instant application, in one aspect, "a valve opening and closing member" corresponds to a valve opening and closing member 213 shown in FIG. 4B, for example. *See also*, Specification at page 26, lines 3-5 (stating "[a] rod-like valve opening and

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closing member 213 is provided in a protruding manner..."). As such, this recitation is consistent with what has been described in the instant application.

Furthermore, Applicants respectfully submit that this recitation is different from the recitation "a flow path opening and closing member" recited in claim 2. To illustrate the distinction, one non-limiting example of the instant application shows that the flow path opening and closing member may correspond to a fuel valve 131 and a closing valve 139 as shown in FIGS. 4A and 10 of the instant application; whereas the valve opening and closing member may correspond to a valve opening and closing member 213 as shown in FIG. 4B of the instant application.

For at least the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the above-stated rejection of claim 3.

Claim 12 was rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. The Office Action rejects claim 12 for the same reasons as claim 3. Therefore, for at least the reasons presented above with respect to claim 3, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 12.

Claim Rejections - 35 U.S.C. §§ 102 & 103

Claims 2-7 and 11-14 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication Number 2003/0138679 ("Prased"). Alternatively, claims 2-7 and 11-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Prased. Applicants respectfully traverse these rejections because Prased, at a minimum, fails to describe or suggest a fuel tank that includes, among other features, a flow path opening and closing member configured to be provided in said fuel injecting portion, allow said liquid fuel to pass to

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said fuel supply portion from said fuel injecting portion after said fuel supply portion and said fuel injecting portion are joined, and shut off the passage of said liquid fuel to said fuel supply portion from said fuel injecting portion before said fuel supply portion and said fuel injecting portion are disconnected, wherein said flow path opening and closing member is constituted by a fuel valve and a closing valve provided in a flow path of said liquid fuel, as recited in claim 2.

Prased, in FIG. 1, illustrates a fuel cartridge 100 that includes a fuel reservoir 102, a reaction chamber 104, and a bi-product reservoir 106. Prased at page 2, paragraph [0023]. The fuel reservoir 102 stores a fuel containing FCS. *Id.* The fuel containing FCS is supplied to the reaction chamber 104 via an inlet line 108, while the bi-product BP is transferred to the bi-product reservoir 106 via an outlet 110. *Id.* The fuel "F" that is released from the fuel containing substance FCS will exit the fuel cartridge 100 by way of an outlet connector 114. Prased at page 2, paragraph [0024]. The connector 114 acts as a cap to prevent the release of fuel unless it mates with a corresponding host device. *Id.*

Even assuming for the sake of the argument that the connector 114 corresponds to a valve, Prased still describes *one* valve being provided in the alleged fuel tank 100 and does not describe or suggest *two* valves being provided in the alleged fuel tank 100. In contrast, in the instant application, the flow path for the fuel cell can include *two* valves (e.g., the fuel valve and the closing valve). *See*, Specification at page 21, lines 19-25.

Accordingly, Prased fails to describe or suggest a fuel tank that includes, among other features, a flow path opening and closing member configured to be provided in said fuel injecting portion, allow said liquid fuel to pass to said fuel supply portion from said fuel injecting portion after said fuel supply portion and said fuel injecting portion are joined, and shut off the passage of said liquid fuel to said fuel supply portion from said fuel injecting portion before said

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fuel supply portion and said fuel injecting portion are disconnected, wherein said flow path opening and closing member is constituted by a fuel valve and a closing valve provided in a flow path of said liquid fuel, as recited in claim 2.

Applicants respectfully note that Prased, in FIG. 4, shows a shut-off valve 126 connected to the connector 114. However, this shut-off valve 126 is included in the host device and not included in the fuel cartridge 100. See, Prased at page 3, paragraph [0029] (stating "a pump 118. . .that is associated with the host device. . .[a] shut-off valve 126 will be employed here in place of the pump 118"). As such, the shut-off valve 126 does not count toward the number of valves included in the alleged fuel tank 100.

For at least the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 2, along with its dependent claims.

Claim 11 recites a fuel cell system that includes, among other features, a fuel tank comprising a flow path opening and closing member configured to be provided in said fuel injecting portion, allow said liquid fuel to pass to said fuel supply portion from said fuel injecting portion after said fuel supply portion and said fuel injecting portion are joined, and shut off the passage of said liquid fuel to said fuel supply portion from said fuel injecting portion before said fuel supply portion and said fuel injecting portion are disconnected, wherein said flow path opening and closing member included in said fuel tank is constituted by a fuel valve provided in a flow path of said liquid fuel and an injecting portion side closing valve. Therefore, for at least the reasons presented above with respect to claim 2, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 11, along with its dependent claims.

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Claims 9 and 16 were rejected under 35 U.S.C. § 103(a) as unpatentable over Prased in view of JP 2004-192171 ("Kazunori"). Claims 9 and 16 respectively depend from claims 2 and 11. Therefore, claims 9 and 16 are believed to be allowable for at least the reasons presented above with respect to claims 2 and 11.

Conclusion

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

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